

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

\_\_\_\_\_  
PAUL D. LEFFLER,

Petitioner, :

-vs-

STATE OF OHIO,

Respondent. :  
\_\_\_\_\_

CASE NO. 3:09 CV 02801

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND GRANTING  
CONDITIONAL STAY

UNITED STATES DISTRICT JUDGE LESLEY WELLS

In this mixed habeas corpus petition, Petitioner Paul Leffler sought a stay of his habeas proceedings to afford him an opportunity to return to state court to raise his unexhausted claims. This matter was automatically referred to United States Magistrate Judge Kenneth S. McHargh for a Report and Recommendation ("R&R") pursuant to Local Civil Rule 72.2(b)(2). In his R&R, Magistrate Judge McHargh finds the Petitioner request reasonable under the circumstances, relying upon the decision in Harris v. Lafler, 553 F.3d 1028 (6<sup>th</sup> Cir. 2009). (Doc. 20). The R&R recommends, therefore, holding Mr. Leffler's mixed petition in abeyance and granting his request for a stay on the condition that Mr Leffler file the application to reopen his appeal, pursuant to Ohio App. Rule 26(B), in the Ohio Court of Appeals within thirty (30) days of the date of this order, and that Mr. Leffler seek reinstatement of this Court's active docket within thirty (30) days of fully exhausting that procedure. (Doc. 20 p. 10).

No party has objected to the Magistrate Judge's R&R. Therefore, this Court will presume the parties are satisfied with the determination. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Accordingly, the Magistrate Judge's R&R is adopted. Mr. Leffler's petition will be held in abeyance under the terms of this order.

IT IS SO ORDERED.

  
UNITED STATES DISTRICT JUDGE